IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1751 OF 2005

Shashikant Deogonda Patil & Anr. .. Appellants.
Vs.
Smt.Indubai Dnyandeo Chavan & Ors. .. Respondents.

Mr.A.B.Vagyani for the appellants.
Mr.Sachin Manale i/b Mr.S.S.Pakale for respondent no.1

CORAM : D.B.BHOSALE, J.

DATED : 16TH NOVEMBER, 2006

P.C.:

. Heard learned counsel for the appellants and respondent no.1.

2. By this appeal, the appellants have challenged the judgment and decree dated 20.12.2003 by which the suit filed by the respondent-plaintiff was decreed. Under the decree, the appellants are liable to pay Rs.1,08,000/- with future simple interest at the rate of 6% p.a. from the date of institution of the suit till full realisation. Mr.Vagyani, learned counsel for the appellants submit that in view of the order passed by this Court in the civil application the appellants have deposited the entire decretal amount i.e. Rs.1,74,025/- in this court. He further submits that he has instructions not to press this appeal and

the appellants shall not have any objection for withdrawal of this amount by respondent no.1 - plaintiff. Mr.Manale, learned counsel for respondent no.1 does not dispute the amount arrived at with interest and deposited by the appellants. In the circumstances this appeal is disposed of as infructuous. Liberty to respondent no.1 - plaintiff to withdraw the said amount unconditionally. The decree, accordingly, stands satisfied. In view thereof the charge kept on the agricultural land of appellant no.2 bearing Gat No.1269, admeasuring 1 H, 2 Ares situated at Nandani, Tahsil, Shirol, District Kolhapur, shall stand cancelled after four weeks from today. The appeal, accordingly, stands disposed of with no orders as to costs.

(D.B.Bhosale, J.)